

Entered - 02/26/04 - sb  
CL04L0118 - DIANNE C. MITCHELL

CLAIM OF: **DON C. PHILLIPS**  
1818 King Charles Road  
Atlanta, Georgia 30331

**04-R-1607**

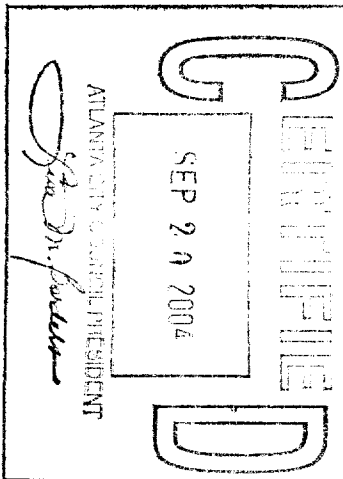
**ADOPTED BY**  
**SEP 20 2004**  
**COUNCIL**

For damages alleged to have been sustained as a result of a sewer back up on February 16, 2004 at 1818 King Charles Road.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **DON C. PHILLIPS** the sum of **\$12,881.90** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a sewer back up on February 16, 2004 at 1818 King Charles Road as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/T31001**, Settlement of Suits and Claims, Department of Law.

APPROVED: **LINDA K. DISANTIS**  
CITY ATTORNEY



BY:

*Jerry DeLoach*  
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

**APPROVED**

SEP 28 2004

**MAYOR**

**FAVORABLE REPORT**

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: *9/14/04*

CHAIR: *J. L. DeLoach*

*W. L. Smith*

*David Woodward*

*Chris Henshaw*



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-1607**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Don C. Phillips** in the sum of **\$12,881.90** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a sewer back up on February 16, 2004 at 1818 **King Charles Road**, as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

SEP 20, 2004  
SEP 28, 2004

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0118

Date: September 2, 2004

Claimant /Victim DON PHILLIPS  
BY: (Atty)(Ins. Co.) \_\_\_\_\_  
Address: 1818 King Charles Road, Atlanta, Georgia 30331  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 24,000.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 02/23/04 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) X  
Date of Occurrence 02/16/04 Place: 1818 King Charles Road  
Department Watershed Management Bureau: Waste Water  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant's property was damaged due to a sewer back up. The investigation determined that the City was on notice of a problem with the sewer mainline on January 27, 2004, but failed to make the necessary repairs before the claimant suffered another back up on February 16, 2004.

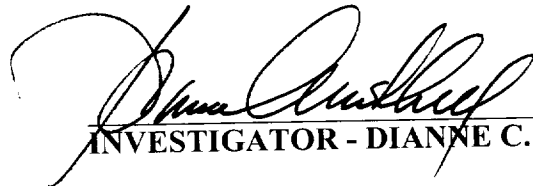
### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ 12,881.90 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_  
Claims Manager: Dianne C. Mitchell Concur/date 2/2/4  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

CONSENT I

		9-20-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1500	41. 04-R-1575	62. 04-R-1608
2. 04-O-1501	42. 04-R-1576	63. 04-R-1609
3. 04-O-1502	43. 04-R-1578	64. 04-R-1610
4. 04-O-1503	44. 04-R-1579	65. 04-R-1611
5. 04-O-1504	45. 04-R-1633	66. 04-R-1612
6. 04-O-1505	46. 04-R-1653	67. 04-R-1614
7. 04-O-1631	47. 04-R-1593	68. 04-R-1615
8. 04-O-1508	48. 04-R-1594	
9. 04-O-1513	49. 04-R-1595	
10. 04-O-0165	50. 04-R-1596	
11. 04-O-1253	51. 04-R-1597	
12. 04-O-1255	52. 04-R-1598	
13. 04-O-1256	53. 04-R-1599	
14. 04-O-1259	54. 04-R-1600	
15. 04-O-1431	55. 04-R-1601	
16. 04-O-1442	56. 04-R-1602	
17. 04-O-1479	57. 04-R-1603	
18. 04-O-1480	58. 04-R-1604	
19. 04-O-1551	59. 04-R-1605	
20. 04-O-1552	60. 04-R-1606	
21. 04-O-1554	61. 04-R-1607	
22. 04-O-1625		
23. 04-O-1627		
24. 04-O-0770		
25. 04-R-1566		
26. 04-R-1568		
27. 04-R-1569		
28. 04-R-1630		
29. 04-R-1635		
30. 04-R-1650		
31. 04-R-1571		
32. 04-R-1632		
33. 04-R-1590		
34. 04-R-1616		
35. 04-R-1580		
36. 04-R-1581		
37. 04-R-1583		
38. 04-R-1584		
39. 04-R-1585		
40. 04-R-1574		